

In the U.S. Patent and Trademark Office

U.S. Patent Application S.N. 10/600,204

Title: Improved Welded Item

Filing Date: June 20, 2003

Group Art Unit: 1733

Examiner: John T. Haran

Affidavit of Carolyn Laugherty

1. I, Carolyn Laugherty, am a paralegal with the firm of Camoriano and Associates, which is handling the referenced patent application.
2. It is my responsibility to assemble the documents for filing with patent applications, amendments, and other documents that are sent to the Patent Office, to docket deadlines, and so forth.
3. On June 22, 2005, I was checking the referenced file to be sure all the references that had been cited in the corresponding PCT application had been submitted to the U.S. Patent Office. In the course of reviewing the file, I found the attached "Rescission of Previous Nonpublication Request" form, stuck between some papers in the file. I assumed this must have been an unsigned copy of the rescission I had prepared and filed in the Patent Office and quickly checked to be sure. When I could not find any signed rescission that had been submitted to the Patent Office, I realized that an error had been made, because, based on our normal procedure, that paper should have been filed at the time the PCT application was filed.
4. I immediately notified Theresa Camoriano, the attorney responsible for this case.
5. My normal procedure when filing a foreign application is to check the U.S. parent file to see whether a nonpublication request has been filed, and, if so, to file a rescission of the nonpublication request at the time we file the foreign application. I intended to do that in this case and, as shown in the attachment, had prepared the form for signature. I certainly had intended to file the rescission in a timely manner and do not know why it was not filed. I am assuming that I had the paper on top of the file for signature by the attorney and that somehow, some other papers got on top of it, and I mistakenly put it inside the file along with those papers instead of having it signed and filing it in the Patent Office. It

was not until I went back to review the file on June 22, 2005 that I discovered the rescission had not been filed.

6. I affirm that the foregoing is true to the best of my knowledge.

Carolyn Laugherty
Carolyn Laugherty

State of Kentucky)
SS:

County of Jefferson)
Subscribed and sworn to before me this 27th day of June,
2005.

Seal

Theresa Camoriano (Notary Public)
My commission expires 12-12-08.

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Affidavit of Theresa Fritz Camoriano

1. I, Theresa Fritz Camoriano, am the attorney responsible for the referenced patent application.

2. My paralegal, Carolyn Laugherty, informed me on June 22, 2005 that she discovered we had mistakenly failed to file a rescission of our nonpublication request in the referenced case at the time we filed a PCT application. As explained in her affidavit, this was an unintentional error on our part.

3. It is our policy at the time we foreign file an application to check and see whether a nonpublication request has been filed in the parent U.S. case, and, if so, to file a rescission at the time we file the foreign application. If we have filed a nonpublication request in an application, we make a notation of that fact on the front of the file to help us when we make that check.

4. In this case, it is clearly noted on the front of the file that a nonpublication request had been filed, and, as stated in the affidavit of Carolyn Laugherty, she had prepared the rescission to be filed, following our normal procedure.

5. Based on the records in our file, it appears that I never signed that rescission. When we filed the PCT application, there were many papers that had to be reviewed, signed, and filed, and, in the midst of all the documents that I was signing and filing, I did not realize that I had not signed the rescission. I certainly intended to file it at the time we filed the PCT application, as is our normal procedure. We are now reviewing our procedure to try to ensure that this error will not happen again.

6. It was not until Carolyn Laugherty notified me on June 22, 2005 that I realized the rescission had not been filed as intended.

7. I affirm that the foregoing is true to the best of my knowledge.

Theresa Camoriano
Theresa Fritz Camoriano

State of Kentucky)

SS:

County of Jefferson)

Subscribed and sworn to before me this 27th day of June,
2005.

Seal

Carolyn S. Daugherty (Notary Public)

My commission expires 7-31-05.